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BEHAVIORAL SCIENCE INFLUENCES ON LEGISLATION: THE CASE OF DELINQUENCY PREVENTION

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I. THE PROBLEM

Although progress has been uneven and the parameters for establishing interdisciplinary approaches remain to be settled, new ways of using the behavioral sciences in the field of law are beginning to be explored more systematically.¹ At this point, the relevance of behavioral science materials in legislation, litigation, administrative and evaluative activities of government does suggest some of the most promising areas for further exploration and development.

Social science knowledge can be used, of course, to influence legislation in various ways. It can serve, for example, to shed light on some aspects of behavior which are of concern and which may be potentially subject to legislation. Hence, knowledge regarding the nature of deviance such as delinquency, criminality, mental illness or of the nature of the normal childhood, adolescent, maturing and aging processes can form the basis upon which sound social policies are advanced and desirable legislation enacted. Behavioral science may also be useful in the more direct examination of some of the legal institutions and social control systems to determine how they work and to assess outcomes. For example, studies of the criminal justice system, that is, the relative functioning of the police, courts, juries and correctional personnel can offer new insights into how agencies of social control operate and point up the need for legislative reforms.

A variety of research tools and techniques may be applied to provide the "hard" data to influence legislation. Ideally, where the problem may be clearly defined and the significant variables controlled through careful experimentation so that findings can be shown to be "Conclusive", the arguments for influencing legislation would appear to be compelling. But what happens in the more usual case where this ideal is not met?

This paper will discuss some of the issues and problems which arise in the field of delinquency prevention where there is over-riding public interest and concern and calls for action to prevent delinquency, but where the problem is elusive and where the variables are not easily isolated and controlled through experimental procedures. What, in fact, constitutes the body of knowledge in the field? What uses can be made of behavioral science materials where there has been little or no experimental successes, or data upon which to build action programs? What credence should be given to the largely unverified "practice" knowledge and experience in delinquency prevention programs? These questions will be explored here in an effort to provide a more responsible frame of reference for suggesting and assessing legislation in the field of delinquency prevention.

Basically, it will be shown that although there have been many theoretical breakthroughs, numerous studies and even more action programs, our knowledge as to

how to go about preventing delinquency is surprisingly limited. Although it hardly increases confidence in one's ability to influence legislation, it does not follow that there is no role of the behavioral sciences in the matter. To be sure, it may be argued, for example, that lack of knowledge itself can provide a basis for influencing legislative action which would substantially increase our knowledge of program effectiveness. Or, at the very least, what is already known may provide a rationale for rejection of poorly formulated schemes which claim to be able to "eliminate" delinquency.

Our discussion will focus briefly on the nature of prevention and the ways in which different perspectives come to influence definitions of the problem and limit the scope of the proposed solutions. Notwithstanding the importance and need for adequate theory, major attention will be given over to a review of delinquency prevention programs in an effort to highlight the variety of program goals, limited use of research methods and paucity of the findings. And finally, some of the problems and issues regarding the ways in which programs selectively define, label and treat individuals in the name of prevention will be explored to provide some guidance in further assessing how social science knowledge may be useful in legislation.

II. VARYING PERSPECTIVES OF DEVIANCE AND THE CONCEPT OF PREVENTION

The development of effective conceptual tools has been a slow and tedious process in the behavioral sciences. Some doubt whether it will ever be possible to invent the adequate means to portray social reality in its totality. This should not surprise us, however, for it is true that we never see things in their total concreteness. We see only certain aspects - those that we have been taught to abstract using the currency of our own cultural symbols. As Walter Lippman expressed in his famous aphorism, "First we look, then we name and only then do we see." A group of young people hanging on the corner, obstructing pedestrians, cluttering entrances to buildings, brings about different reactions depending upon whether they are defined as demonstrators, strikers, Christmas carolers or members of the loach "Black-Hawk" gang. It is therefore, in the naming and defining of behavior that we come to "see" its significance.

What passes for knowledge and understanding, then, must center on how we arrive at these definitions. In exploring the sociology of knowledge, Mannheim introduced the notion of relationism which states that truth is not necessarily a fixed commodity but is predicated on the historical and situational context in which it is found. As cross-cultural studies have repeatedly demonstrated, our own involvement and narrowed cultural frame-of-reference in a sense, institutionalizes our own versions of the truth. As Hall put it, "Culture hides much more than it reveals, and strangely enough what it hides, it hides most effectively from its own participants."² In short, what we see or overlook depends on the concepts available to us.

So it is with the helping professions where even the most carefully description of delinquency are not automatically objective for all behavioral definitions have pre-established connotations. There is a ready set of concepts when it comes to delinquency. Thus, we have an image of the delinquent which serves as a prophecy we are altogether too eager to fulfill as selected aspects are highlighted, blotting

out others not conveniently covered by the label. The pre-fabricated conceptual molds come in all sizes and shapes. One set forces us to recognize anti-establishmentism, the generation gap, contradicting sub-cultural values, etc. A psychoanalytic set calls attention to dependency, ambivalence, psychosexual conflicts resurging oedipal conflicts. And still another perspective sets us searching for anomia in the social system, status deprivations and role confusions in social and interpersonal relationships.

Similarly, concepts of prevention³ vary considerably depending on the set of concepts one employs. Hence, there are major differences of opinion regarding what is to be prevented, who is to be deterred, and what constitutes successful intervention. There are, first of all, those who see solutions in terms of broad attempts to change and upgrade life styles. Those who are particularly impressed with social and cultural determinants of behavior tend to emphasize programs aimed at treating the entire social milieu in which all children grow up. The theory is that the best way to prevent delinquency is by enhancing healthy growth and development. Thus, the focus of attention is on improving community and family life. As housing, employment, recreation, social and cultural conditions improve, delinquency will accordingly be prevented.

The second approach is less global in that the focus of attention is limited to those children who are deemed to be "at risk" or have given some reason to believe that they will become delinquent unless something is done to prevent it from happening. Advocates of this approach emphasize early detection and direct "treatment" of those children who are identified as vulnerable, disturbed, troubled, or potential delinquents.

The third approach is the most constructive insofar as the notion of prevention is more precise and limited insofar as it applies solely to known or adjudicated delinquents. In this sense, programs which are designed to correct or rehabilitate delinquent youngsters prevent delinquency by reducing recidivism and lessening the likelihood that further delinquent acts would be committed.

These three perspectives form a convenient framework for review of delinquency prevention programs.

III REVIEW OF DELINQUENCY PREVENTION PROGRAMS, RESEARCH METHODS AND FINDINGS.

A. Improving Community Life Styles

Perhaps one of the better known approaches to delinquency prevention which sought to reach the delinquent in his natural social environment was the Chicago Area Project initiated by Clifford Shaw and his associates in 1934.⁴ The program was based on the premise that delinquency, in most cases, was a process of social learning, experienced by youth growing up in delinquency areas. The social milieu in which delinquent boys were nurtured - the family, play group and neighborhood - all had to be considered in any preventative measures to reduce delinquent behavior.

Accordingly, the key to prevention was seen to depend on broad level change in the character of the neighborhood life whereby the community would become more

"wholesome" for children. Moreover, there was the conviction that change could best be implemented by the self-help efforts of neighborhood residents, themselves. By working together on commonly defined neighborhood problems it was reasoned that increased sense of neighborhood feeling and responsibility would develop. Natural leaders from the neighborhood were recruited to prove recreational and educational activities and to provide healthy role models for growing boys. The idea was "to give the pre-delinquent or delinquent boy an opportunity to form an attachment to, or come under the influence of, a person or persons from who he would receive recognition for conforming to conventional standards of conduct."⁵

Unfortunately, the project was not subjected to strict experimentation and whatever results were measured were inconclusive. It was demonstrated that residents in low income areas could, indeed, organize themselves, sustain community organizations and attract local "natural" leadership which would have some impact on community life. But there were no precise measurements or "hard" evidence to show that there was any actual reduction in delinquency which could be attributed to the program.⁶

A series of other community-based programs were conducted which were similar in conception to the Chicago Area Project. The Midcity Project was initiated in a lower social economic area in Boston in 1954.⁷ This was a multi-faceted program focused on improving community conditions to reduce delinquency. One of the major goals in the program included efforts to coordinate the work of existing social agencies to help "problem" families and to reach out to delinquent youths. Over a three year period, seven project field workers maintained contact with approximately four hundred youths between the ages of 12 and 21. It was determined, on evaluation, that there was "no significant measureable inhibition to either law violation or unethical behavior as a consequence of the project efforts."⁸

Similarly, the South Central Youth Project,⁹ established in 1955 by the Minneapolis Community Welfare Council sought to coordinate social agencies to detect and reverse the processes leading to delinquency by improving community and neighborhood life. Again, no adequate measures of program outcome were available although one finding was that the lack of cooperation and communication between agencies and community residents resulted in "ineffective services", generally.

More recently, the Office of Juvenile Delinquency and Youth Development of the Department of Health, Education and Welfare funded a number of community base programs¹⁰ aimed at delinquency prevention all of which may be viewed as modern-day counterparts of the Chicago Area Project. The Mobilization for Youth,¹¹ for example, sought to organize neighborhood groups to engage in self-help social action to overcome apathy and defeatism evidenced in a sixty-seven block area in a lower socio-economic area of New York City. It was conceived that as poor people organized and developed as a power base, though would be able to deal more effectively with poor housing, poor schools, inadequate police protection, etc. In the process, deprived youth would be offered new opportunities to develop motivation and skills to advance themselves. It was held that with increased competence would come increased social controls and less delinquency. The focus on developing a political power resulted, however, in increased conflicts and resistance from other governmental agencies.

Similarly, the Syracuse Crusade for Opportunity¹² sought to mobilize community groups to engage in social action to counteract the conditions of poverty, transience and chronic dependency on the theory that delinquency would, in turn, be prevented. It was found that contrary to the experience of the Chicago Area Project, friction between professional staffs and neighborhood residents over decision-making powers was most apparent. No evidence was found to show how delinquency was reduced although some activities provided the youth appeared to have a positive impact. The United Planning Organization¹³ in Washington, D.C. represented another effort to mobilize citizen action and involvement in creating new opportunities for youth. Unique it relied on decentralized decision-making activities where a variety of relatively independent block clubs and social betterment programs were organized. But, gaps, in communication and coordination of effort was held to be a major shortcoming of the project.

Although the Houston Action for Youth¹⁴ was also designed to mobilize community groups, its program which included stable, working population utilized low-pressure tactics in approaching area problems on the theory that confrontation with other governmental agencies would be counterproductive. Varying degrees of success were recorded but no clear evidence regarding delinquency prevention could be produced. Another low pressured approach was used in the Action for Appalachian Youth Program¹⁵ in Charleston, West Virginia where much of the effort was on the improvement of a rural target area through the use of neighborhood organization associations. In a sense, the program sought to reduce the stresses and strains between rural and urban life styles which were seen to be instrumental in creating delinquent behavior. Although some problem solving occurred, the net impact on the isolated communities seemed to be relatively small.

And finally, the Harlem Youth Opportunities Unlimited Associated (HARYOU ACT)¹⁶ was initiated in Harlem, New York to reach a target population of a quarter of a million people. Based on the now familiar goal of creating opportunities for youth, the program sought to introduce broad based community change through citizen participation and action. But again, the massive urban problems were not soluable and the results of the effort were judged to be negligible.

In most of these recent programs many of the potential benefits were somewhat obscured by the fact that controversy and conflicts emerged where competing interest groups and political powers often redirected efforts into diffuse channels. In addition, a number of the programs were found to be administered in a weak and ineffective manner. And, the broad scope and multi-faceted nature of such programs made it unlikely that any conclusive evidence could be gathered to show direct cause and effect relationships between the intervention and delinquency reduction. The lack of any controlled comparisons makes it difficult to verify claims of success.

A number of studies have been aimed at evaluating community recreation and informal education programs. In the field of recreation, there are many different kinds of organizations and programs embodying varying philosophies, objectives and programs. Given the broad scope of its activities, it would appear that virtually every effort to reach out and channel or direct the energies of youth

could in one way or another be considered to be a program of prevention. To be sure, the public has come to accept and recognize recreation as a major tool in delinquency prevention. Yet although many surveys have been conducted to determine the need for recreation and to assess the quantity and quality of the programs being offered, few evaluative studies have been conducted to demonstrate how positive recreational experiences lead to a reduction of delinquency.

Moreover, the few studies that were conducted seemed to indicate that there was no direct relationship between the two. In fact, one study even suggested that perhaps recreational activities may increase opportunities for delinquent escapades.

Ethel Shanas and Catherine Dunning's¹⁷ early study, conducted in the 1930's for the Chicago Recreation Commission, concluded that not much could be expected from the traditional recreation programs in prevention of delinquency. The study compared delinquents and non-delinquents' use of recreational facilities in four slum areas and one middle class area in Chicago. Among the approximately 15,000 boys and 8,000 girls, 10 to 17 years old, involved in the study, it was found that although a larger number of non-delinquents used the recreational facilities, delinquent boys tended to spend more time in the recreation activities but less time in 'supervised' programs. Generally, however, recreation tended to attract relatively few children especially among the older groups where delinquency rates were found to be the greatest.

Another study was conducted during the same period by Andrew Truxal¹⁸ for the National Recreation Commission. He tabulated juvenile court cases by health department census tracts and compared them with the existence of recreation centers. In spite of certain methodological problems, it could not be shown that there was lower delinquency rates in areas where there were recreation facilities compared to those without such facilities.

Frederick Thrasher¹⁹ conducted an early study of one voluntary "leisure-time" agency - a Boys Club in the City of New York - in an effort to discover its effectiveness in the prevention of juvenile delinquency. In contrast to the Shanas and Dunning findings, the Boys Club was able to attract larger proportions of delinquents and "apt-to-be-delinquents" into its recreation programs. It was found, however, that of the total official offenses of Boys Club members, 18 percent occurred before joining the Club, 28 percent took place after some participation in the Club program, and 61 percent occurred while the boys were actively affiliated with the program. Some of this could be explained in terms of the larger proportion of older boys (where delinquency is more prevalent) who were in the program. Based on case studies of 60 "problem" boys, Thrasher concluded that "acute behavior problems...precipitated the various combinations of family disorganization, dire poverty, school maladjustments, gang activities, association with older hoodlums and underworld characters - were beyond the power of the Boys Club to neutralize."²⁰

In another study of the effectiveness of the Boys Club on the prevention of delinquency, Brown and Dodson²¹ compared delinquency rates of white boys in three areas of Louisville, Kentucky. They reported reduced rates of delinquency which there was a Boys Club while delinquency rates increased in the areas

without Club programs. In the absence of experimental controls, however, there was no way to assess the influences of other social variables on the changing rates. The authors had to conclude that although it might be comforting to know that the Boys Club "contributes to the alleviation of the delinquency problem" the findings add "little to basic knowledge on the prevention of delinquency."²²

B. Redirecting Potential Delinquents

Various innovative programs have emerged in an effort to reach out and work with potential delinquents before their difficulties become too serious.

The Cambridge-Somerville Youth Study²³ was established in 1935 with the dual purpose of preventing delinquency and providing scientific research data on delinquency prevention. The study ranks as one of the better studies which utilized a built-in experimental design. The major objective was to determine whether on-going relationships with friendly adult counselors would prevent vulnerable children from becoming delinquent.

Teachers, social workers and juvenile justice personnel referred hundreds of boys under the age of twelve who appeared to be heading for delinquent careers. The project staff arrived at a population of 325 matched pairs based on data supplied from questionnaires, psychological and medical tests and interviews with parents, teachers and the boys, themselves. One half of the boys were randomly assigned to receive ongoing counseling while the other half constituted a control of group for comparison purposes. Treatment lasted over a seven year period. While the program was in progress, psychological tests were given, checks were made on school adjustment and court records were examined. These failed to disclose any significant differences between the treatment and control groups.

Edwin Powers and Welen Witmer²⁴ conducted an in-depth study of the program almost three years after the program ended. They found that according to juvenile court and criminal records, the control group had committed as many and as serious offenses as had the experimental group. Again, in 1956, Joan and William McCord²⁵ conducted another follow-up study, this time tracing 253 of the matched boys into adulthood. Their many comparisons led them to conclude that treatment variations and subsequent convictions provided no evidence that the treatment had successfully deterred criminality.²⁶ The data did, however, suggest that "intensive" treatment might have been more beneficial than the more general "Friendly guidance" approach. Although judged to be a failure, the program has been acclaimed as a model in experimental design which when applied consistently would provide a sound basis for assessing program effectiveness.

Another careful experimental research design was employed by Meyer, Borgatta and Jones²⁷ in their study of four entering cohorts of girls in a vocational high school in New York City. The major goal was to determine the effectiveness of social work intervention in preventing "problem" behavior. Records containing data on school behavior, personal characteristics and family situations were used to screen potential problem cases. A random procedure was used to refer 189 of the cases to a social work agency for on-going casework services to be compared with 192 non-treated control cases. A wide range of data regarding in-school and

out-of-school behavior was collected over a four year period (1955-59). Comparisons of the treatment and control group revealed that the impact of the service on the girls had been negligible. Few statistically significant differences were found leading the researchers to conclude that the "limited demonstration of effectiveness raises important questions of appropriate goals of service programs as well as issues about social work practices and its evaluation."²⁸

Another effort to study the effectiveness of a program designed to prevent potentially problematic behavior was conducted by Ahlstrom and Havighurst.²⁹ All seventh grade boys in inner city schools in Kansas City were screened to arrive at a target group of 13 and 14 year old "socially and educationally maladjusted" boys who look like "losers." One half were randomly assigned to receive special attention through participation in a half-day program. The control boys participated in the regular school program. Data were collected on school, work, community and family adjustment on all the boys through the age of eighteen and nineteen. The independent variable, "work experience" included data on three different developmental stages in required work skills, supervision, etc. It was found that only about one fourth of the boys "seemed to profit" from the work/study experience. The authors concluded that their findings failed to demonstrate that supervised work experiences could materially reduce delinquency "among youth so disposed."³⁰

Reckless and Dinitz³¹ report on another research demonstration project aimed at preventing anticipated delinquent behavior. Teachers and principals of 44 elementary schools in the inner city of Columbus, Ohio provided ratings of boys who were randomly assigned to receive specialized instruction with a strong emphasis on "role model" building; a control group of vulnerables who were randomly assigned to receive regular classroom instruction; and a group of non-vulnerable (good-boys) who served as another control group. The boys were compared on the basis of psychological tests, value orientations, attitudes, conduct records, school performance and encounters with the police.

It was found that there was no statistically significant differences between the experimental and the control group of vulnerable boys. No differences were found in the number of police contacts, in the seriousness of offenses or in any of the school attendance, drop-out, and achievement indicators. Police contacts tended to increase with age where it was found that by the end of the tenth grade almost one-half of the nominated "bad" boys in both experimental and control groups were known to police. School performance also deteriorated with age. The comparison "good-boys" on the other hand remained somewhat insulated over this time period. In spite of these results, it was suggested that perhaps the role model lesson provided the experimental group was not sufficiently intense to insure the desired "internalization."³²

A number of other programs have been conducted without using such experimental designs where measures of success have not been as carefully measured and control. Yet, experiences gained in many of the programs are widely publicized after acting as a stimulus for initiating other similar programs.

The Passaic Children's Bureau³³ was established in 1937 to consolidate the facilities of the public school and police department to reach out to all cases

involving "bothersome behavior" who had been subject to complaints by police, teachers, social workers, and others concerned with youths. The bureau staff was composed of a director from the school's guidance department, counselors, attendance officers, social workers, psychologists and police officers. Based on statutory powers giving broad attendance officers in the school broad investigatory and disposition powers, a variety of incorrigibles and truants were provided psychological, psychiatric and other forms of social treatment. Kvaraceus³⁴ in a limited study of police arrests of Bureau clients, found only fifteen percent of the boys and who had reached the age of sixteen to have been arrested at least once. Although the percentage appears small, it reveals very little concerning the effectiveness of the program. Similarly, other data showing declines in juvenile court cases and reductions in juveniles committed to institutions cannot be held to be conclusive insofar as there were no adequate research controls on intervening variables.

The St. Paul Experiment in Child Welfare³⁵ was set up in 1937 by the United States Childrens Bureau to study the problem of identifying and treating children with personality and behavior problems, and to study ways of integrating children into the community at large. A team consisting of a psychiatrist, psychologist and social worker was organized to locate children with incipient behavior and personality difficulties in a high delinquency area. Based on contacts with schools, police and social agencies, children were recruited into the program and provided services which included intensive psychiatric help, social casework and group work and community organization and a variety of referrals to foster care, health care, etc.

After six years of operation, it was determined that 739 children had received group services; 727 individual services not including an unstated number of referrals. Effectiveness was judged by staff members on termination of the project. It was found that "major improvements" were seen in 18 percent of the children. Sixty five percent made what was judged to be "partial improvement" and seventeen percent made "no improvement."³⁶

The New York City Youth Board³⁷, established in 1947, was hailed as one of the first comprehensive state-wide delinquency prevention programs undertaken. Basically, the program sought first to identify children who had behavior and personality problems to make appropriate referrals for needed services and second, to expand treatment facilities to more effectively meet the needs of these youths. The program was confined to the areas in the City of New York with the highest delinquency rates. Through an intricate system of coordinating referrals, through the City Department of Welfare and Education, and "contracting" with as many as twenty different voluntary family, youth and special treatment agencies, new services were generated to reach out to potential delinquents. Although this program represented a bold venture into new practice areas, research was limited. In assessing results, however, it was acknowledged that there were great variations in outcomes depending upon the "family's capacity for change" and the "skill of the worker" involved.³⁸

A number of the prevention projects have centered around the public school as the more suitable focal point for working with potential delinquents.

The "600" and "700" special schools in New York City³⁹ and the Montefiore and Mosely Schools in Chicago⁴⁰ serve as examples of specialized schools aimed

at "normalizing" problem students through individualized instruction, scaling down expectations and lessening competitive situations. Results have not been conclusive although reports indicate that there has been some lessening of truancy and teacher-student conflicts. Still to be tested are a variety of different school related programs such as the all-day neighborhood school,⁴¹ community school and other special work/study programs.

A school program known at Higher Horizons⁴² was begun in a junior high school in Manhattan in 1956 which has since been expanded to over 76 public schools. The focus of the program was on "disadvantaged children" who were provided specialized counseling and guidance, special instruction and remedial services to broaden cultural experiences. There has been evidence of improved scholastic achievement although there was little to show how delinquent behavior was deterred by the services.

Glen Wallace described a research program⁴³ which used a more rigorous design in the experimentation of intensive planning, coordination of guidance and counselling services in the Tulsa School System to "alleviate behavior problems" of children. The study found that there were no statistically significant differences in the efficacy of interagency coordination regarding attendance, nature of school offenses and court referrals of children although there were increased grade point averages achieved by participants in the program.

The Maximum Benefits Project⁴⁴ in Washington consisted of a special program of social casework which included a variety of supportive psychological and home treatment services for children with severe school problems in two elementary schools. During the years 1954-57 a group of 179 children were referred, evaluated and treated. These were matched with an untreated control group by age, sex, race and Glueck scores. Follow-up data, based on police and juvenile court records, were described as being "far from encouraging" as no significant differences between the treated and untreated groups were found. Sixty-nine percent of the 104 treated children were determined to be delinquent compared with 63 percent of the untreated group. The authors concluded that social casework would be of little value to potentially delinquent youths.⁴⁵

The Seattle Atlantic Street Center,⁴⁶ supported by a U.S. Public Health Services Research Grant, did a study conducted to test the effectiveness of social work with "acting out youth" in the school and/or community. Based on the predictions of sixth grade teachers, children were provided with social work services over a two year period. Fifty-four boys who were served in the program were compared to a control group on school records, and on a "severity scale" to measure the degree of offenses committed. No significant differences were found in the frequency or severity of offenses between the two groups.

And, a final approach to preventing delinquency through work within the school was evidenced in the relatively new concept of the police-school liaison programs which sought to create better understanding between police and youth. The program originated in Michigan⁴⁷ where police officers were assigned to work along with specific schools to act both as a law enforcement officer and resource counselor. An evaluation by Wierman⁴⁸ compared a group of students in a school

with a liaison officer with a group without an officer. Whereas negative attitudes towards police were found to increase in the group where there was no officer, it could not be shown, on the other hand, that there was an improvement in attitudes towards police in the experimental school.

A number of programs⁴⁹ have also been introduced over the years to reach out into the community and work directly with youth in their natural groups or gangs, to prevent anti-social delinquent behavior.

Perhaps the best known gang out-reach worker projects were identified with the Chicago Area Project and the New York City Youth Board work discussed above. Based on the theory that gang members were not likely to be attracted to conventional types of building-centered programs, these projects set out to use neighborhood street corner contacts to establish relationships, develop trust and provide direct help to troubled youth in their natural groups. For the most part, the program relied on the concept that group structures could be modified, group values changed and behavior redirected. Unfortunately, there was little experimental evidence⁵⁰ to support the otherwise positive findings of work and program planners who were immersed in the day-to-day provision of services.

Walter Miller, an anthropologist, reports on what he calls "the corner group method" of preventing gang delinquency which was used in the Boston Delinquency Project.⁵¹ The focus of the program was on restructuring gangs into more or less formally organized clubs to help shift the members from law-violating behavior to law-abiding behavior. The project was conducted in three neighborhoods and involved 193 boys ranging in ages from 12 to 18 years who were members of corner groups. Seven trained group workers worked with seven such groups intensively and seven other groups less intensively. Data were collected from worker recordings and official records including information regarding court appearances, group law-violating behavior, and changing relationships between group members. The finding showed that there was a definite impact on patterns of group behavior which resulted in a decrease of law-violating behavior especially during the early phases of the project.⁵² The lack of control groups, however, make it difficult to assess the program adequately.

Another gang out-reach project which relied heavily on social group work as the Hyde Park Youth Project⁵³ conducted in Chicago. Groups of teenagers who were deemed to be potential delinquents by the Hyde Park Center were identified. Three street club workers served eleven street clubs during the three year period in which evaluation took place. Data from police and court records, community institutions report and worker impressions were combined into an index to show degrees of anti-social behavior before and after service. Of a total of 326 youths in the program, reduction in anti-social behavior was observed in 151 or 40 percent. Ten percent were found to have increased their delinquent activities. Of 156 youths found not to be involved in anti-social activities, almost half were so classified from the earliest contacts. It was concluded that there was "little increase" and "some decrease" in the frequency of anti-social behavior by the youths. Again, the lack of control group data constitutes a drawback in interpreting the findings.

Henry Street Settlement House⁵⁴ in New York City sought to prevent delinquency through early identification and treatment of pre-delinquency gangs. The program engaged parents as well as youth in joint problem-solving activities within the settlement. Experience with five delinquent gangs and parents seemed to show "positive effects" in behavior although no hard data, based on experimentally controlled observations, were offered to support the conclusions. Nevertheless, it was reported that the key to checking pre-delinquency in pre-adolescent groups lies in helping to reinstate parental influences where it rightfully belongs and in building stronger ties between children and their parents.

In an exploratory study of delinquent subcultures by Irving Spergel⁵⁵ it was shown how "opportunity structures" within a neighborhood influenced the kind of delinquent subcultures which prevailed in a neighborhood. However, although a later detailed presentation concerning the theory and practice of street gang work was presented, there is little solid evidence presented to show how the intervention of a gang worker, in fact, reduced delinquency as it is nurtured and furthered through gang affiliations.⁵⁶

C. Reducing Recidivism and Rehabilitation Delinquents

Typically, the bulk of the delinquency prevention programs aimed at treating delinquents to prevent further delinquency are found in the juvenile justice systems as they are found to operate throughout the private mental health and child guidance clinics.

The earliest psychiatric clinic⁵⁷ for treating delinquents was set up in the Chicago Juvenile Court by Dr. William Healy in 1909. Most of the programs soon to follow sought to deal with delinquency as a problem within the child's personality. Therapy was to consist of clinical services aimed at treating behavioral disorders. The efforts of psychiatrists, psychologists, social workers, teachers and other professionals were coordinated through staff conferences designed to assess, diagnose and formulate treatment plans based on mental hygiene principles.⁵⁸

Whereas the early efforts were aimed primarily at coordinating other treatment resources and environmental manipulation, the later trend was towards providing more direct psychiatric treatment for delinquents. A common feature of the program was the emphasis on modifying parent-child relations.

A number of research evaluation studies were conducted at the Judge Baker Clinic in Boston which was one of the best known, well-staffed treatment programs. In early years, the program relied heavily on study, diagnosis and served as a

resource to make recommendations to the court. In a study⁵⁹ conducted by Sheldon and Eleanor Glueck, based on the records of 1,000 boys who had been referred by the Juvenile Court to the Judge Baker Clinic, it was found that five years after being examined and diagnosed, 88 percent of the boys had continued in their non-conforming delinquent behavior. Seventy percent had been convicted of serious offenses while about one-third of the boys had been arrested four or more times. The research staff of the clinic compared court records of another group of 1,000 boys who were before the juvenile court at the same time but who were not examined in the clinic. The comparison showed that both groups had similar rates of recidivism.⁶⁰

Shifting away from the study-recommendations approach, the focus of prevention was placed on direct intervention with the delinquents and their parents. Healy and Broner⁶¹ conducted a study of treatment effectiveness in Boston, Detroit, and New Haven. One hundred and five delinquent boys were compared to 105 non-delinquent siblings along with 40 other unmatched pairs. It was found that about one-half of the boys treated had not engaged in misconduct during the ten year period following treatment. While this was significant, there were great differences in the nature of the success. For example, almost none of the more seriously disturbed responded favorably to treatment. Those with pathological social circumstances seemed to fair better than expected while the greatest successes were with the more average maladjusted boys. The findings were influenced somewhat by the fact that the programs studied were above average compared to the more typical child guidance clinics.⁶²

Based on these findings, the Judge Baker Clinic modified their intake policy in efforts to refine and make treatment more effective. But, subsequent studies continued to show ineffective results with the more seriously disturbed and with social problems which were more extreme. However, it was recognized that services were extended primarily to families were treatment if desired and motivation for help influences participation. Hence, the programs have been criticized in that they tend to serve clients who are not representative of the total delinquent population.

The Highfields project in New Jersey represented a pioneer project in the use of guided group interaction as a major method for the rehabilitation of delinquents. The program consists of residential treatment aimed at a population of approximately 20 boys, adjudicated delinquents, aged 16 and 17, who were referred to the juvenile court. The boys remain in residence for from three to four months. Days are spent in working at a mental institution and evenings are devoted to the group counselling sessions.

At least two evaluation studies have been conducted on the Highfields project. McCorkle et al⁶³ found that in comparison to general parole violation, statistics show there was a better adjustment of the Highfield boys compared to other parolees, over a five year period. Only eighteen percent of the Highfield boys had violated parole compared to 33 percent of a control groups. Ashley Weeks⁶⁴ compared the Highfields boys with a group of boys who had been sent to a traditional reformatory delinquents. The experimental control groups were not, however, randomly determined but were more accurately follow-up studies on placements determined by the juvenile court judges. It was found that of the total 229 boys

to Highfields, 60 percent, as compared to 47 percent of the reformatory boys, completed their treatment and did not get into serious trouble so as to be re-institutionalized. The higher percentage of success found among Negro Highfield boys is interpreted to counteract criticism that the Highfields projects tends to be sent "better prospects for success." Because of the question regarding adequate controls of variables, these evaluative studies have been subject to dispute.⁶⁵

The Provo (pinehills) Experiment⁶⁶ stimulated by the apparent success of the Highfields Project in the rehabilitation of delinquents was begun in Provo, Utah in 1956 by a group of professional and lay volunteers. Funded by the Ford Foundation, the program sought to treat habitual offenders, 15 to 17 years old, assigned by the juvenile court. In contrast to the residential program at Highfields, in the Provo experiment the boys continued to live in their homes and were free to participate in community activities throughout their treatment which lasted from four to seven months. The major form of treatment during the early stages and community adjustment at later stages.

The Pinehill experiment consisted of a comparison of program participants in two control groups - one of boys and probation and another of boys committed to a regular training school. Whereas initially the design called for random selection from a common population of repeated offenders, the methods were not rigidly followed. Findings showed lesser percentages of rearrested within six months compared to 77 percent of those on probation and 42 percent of those in the State School. It should be noted, however, that there was relatively little difference between the Pinehill group and those who were placed on probation.

Other short term residential treatment programs aimed at rehabilitation have been conducted by the California Youth Authority. In the Fremont Experiment for example, small group treatment for example, small group treatment and work experiences were used in conjunction with home visits to try to prevent recidivism. A group of Fremont Boys were compared with a control group of regular institutionalized delinquents. In a two year period follow-up study it was determined that no significant differences were found between those receiving specialized treatment and those in the regular program. In another similar study, the Fricot Rand training school's⁶⁸ effectiveness was examined by comparing resident delinquents who were divided into experimental and control groups, the experimental group being "more often exposed" to peer group and staff member contacts. Although the experimental group tended to be less troublesome for longer periods of time, it was found that 80 percent of both treatment and control groups were in trouble some time during the three year follow-up period studies.

The California Youth Authority's⁶⁹ controlled experiments in correction offer other illustrations of the use of research in measuring "community treatment" effectiveness. Based on careful screening procedures, boys and girls were either randomly assigned to community treatment or referred for correctional institution treatment. Treatment consisted of group counselling, therapy, family therapy, and school tutoring, etc. A repetition of psychological tests were used as one indicator of successful treatment along with a measure of "failure rates" determined by re-institutionalism after release. It was reported, on a fifteen month follow-up

that only 28 percent of those paroled from the experimental group had been revoked compared to 52 percent of the control group.

Later extensions of the program into Watts and Oakland - high delinquent areas - were similarly evaluated but with less rigorous research methodology inasmuch as random assignments were not made to control groups for comparison purposes. After fifteen months exposure, 39 percent of the project participants were subject to parole revocations compared to 48 percent for what the equivalent state-wide rates for youth of similar ages.

IV SOME POTENTIAL USES OF BEHAVIORAL SCIENCE KNOWLEDGE TO INFLUENCE LEGISLATION

A look at some of the common themes⁷⁰ which seem to underlie the delinquency prevention programs suggests some problems and issues arise in contemplating any legislation. In the first place, it is clear that programs vary greatly in philosophy, programming goals as well as in operational styles. Even where some share common preventive orientation, no standardized prescription exist and no single treatment method, however defined, seems to be applied throughout the programs. The complex social realities of differing environments allow for too many social variables to enter the picture and there is no way to control these given the state of our knowledge. In addition, the failure to integrate and coordinate desperate approaches is significant in that it reflects the tendency for agencies to function in relative isolation from each other, offering services based on differing criteria which may or may not contribute to the overall solutions.

To be sure, there is no reason to recommend that a standard approach be adopted. On the contrary, the diffuse nature of the delinquency problem would imply the need for multi-facted approaches. But, the separatism does suggest that even if answers were found, it is not likely that new knowledge would be evenly applied nor would programs change significantly given the nature of their differing definitions of the problem, target population, and intervention techniques. What guidance can be given regarding the matter of problem definition? Can social sciences play a role in developing strategies for concerted action? Insofar as definitions are crucial to all subsequent activities, the definition of delinquency constitutes one of the major issues to be addressed by the social sciences.

That the definitional dilemma is real, is perhaps best illustrated when one tries to think about delinquent acts in light definitions which apply not only to criminal offenses but to the so-called status or juvenile offenses as well, it has been estimated that as much as 90 percent of all young people have committed at least one act which could have brought them before juvenile court.⁷¹ A careful analysis of 2,490 "self-reported" delinquent acts by 522 teenagers in Flint, Michigan by Martin Gold⁷² revealed that only seventeen percent of the youths reported that they had committed no chargeable offense within the past three years. Hence, by definition, about 83 percent of the sample were confessed delinquents. Generalizing to all of Flint's 13-16 year olds, Gold estimated that somewhere between 10,560 and 11,220 "delinquents" were walking the streets at the time of the study. Given our added concern for those who might just become delinquent, one begins to wonder whether there would be any youngsters left over who would not be subject to conscious prevention intervention programs.

A second major question emerges in relation to the stated program goals. As was suggested earlier, social science data may not only be useful in helping shed knowledge on the nature of delinquency (i.e. characteristics of the actor in his social context) but may also be employed to examine the social control agencies as they function and interact with delinquents. For the most part this potential seems to be largely ignored in the projects reviewed.

The target for change in most cases is either the delinquent, his family, the gang, neighborhood or community. While these certainly constitute appropriate points of intervention, there is no reason why social control institutions such as the police, courts, schools cannot also be included among the targets for change. But, evaluation is aimed at determining the efficacy of one or another program, the subject of study is such that it takes for granted that social control agencies cannot but result in anything except "positive" outcomes. Few study the unanticipated consequences which might show how, for example, police judgments "create" delinquency, how juvenile court decisions add to some juvenile problems, how the school actually encourages truancy, how correctional programs help maintain deviant identities and so on. It would appear that social policies may be enlightened considerably should there be more data showing the role these institutions play in the dynamics leading to deviant behavior.

Much of what has been said gains support from the current attention in the social sciences which is given to the "labeling"⁷³ perspective on deviance and social control.

Increasingly, it is recognized that deviant behavior is not exclusively the result of disruptive and disorganized forces in society but reflect the normal social processes of control which account for conventional behavior, as well. Whereas sociological attention has been given to understanding the social order to discover the structural conditions which encourage deviance, the labeling theorists have been more impressed by the social processes which define, label and articulate negative societal reactions which, in turn, contribute to the deviant response. Deviancy in this perspective is not an attribute or quality in any individual but rather "a consequence of the application by others of rules and sanctions".⁷⁴ According to the labeling theorists, deviant behavior is behavior people so label.

John Lofland⁷⁵ speaks of "pivotal" categories which emerge as short hand ways for people to impute significance to behavior. Categories such as "delinquent" are being constantly revised and re-created through the efforts of "moral entrepreneurs" and "imputational specialists" - otherwise known as behavioral scientists. The interesting fact is that the public's readiness to accept or reject definitions may be materially influenced by these specialists. Yet, as the number of imputational specialists increases there is a corresponding increase in those who are imputed to be deviant. Social workers, psychologists, psychiatrists, police, teachers, etc. become proficient in the imputation of delinquency and tend to "ensure the flow of persons" defined as such.

Unanticipated consequences of increased sensitivity may be illustrated by the enlightened judge who in recognizing the importance of rehabilitation refers more rather than less children to training schools. Similarly, as one study has shown, a juvenile police department composed of officers with more

advanced training and academic degrees more often considered delinquents as "problem-children" amenable to treatment and thus, had higher rates of juvenile arrests than a department where there was less "sensitivity" and accordingly less⁷⁶ delinquency "crimes".

Enough has been said to make the point that the success of defining, identifying, labeling and classifying cannot be taken for granted any longer. Yet, studies have not produced any substantial evidence that our programs can, in fact, be more successful than what might occur by chance. Some have suggested in this regard that the stigma and labeling influences may be so important they should, under certain conditions, take precedence in decision making. For example, Wheeler et al state,

Social policy formation...may not be able to wait for the results of such research and it is necessary to formulate a position on these issues without the carefully gathered and assessed data that would support a more clearcut choice for one or another alternative. The choice seems clear; in the absence of evidence on the beneficial effects of official contacts, every effort should be made to avoid the use of a formal sanctioning system and particularly the official pronouncement of delinquency. Such a position is justified on grounds of the potentially damaging effects of the labeling process. The primary reason for use of the official sanctions should be the seriousness of the conduct and its potential damage to the community.⁷⁷

A third problem area which flows from the issues regarding problem definition, and labeling, centers on the somewhat constructed concept of intervention as evidenced in the preventative programs reviewed. Admittedly, programs vary considerably in seeking to remedy problems. Yet, in one sense at least, the alternative solutions seem to be fairly parochial, unimaginative and reflective of typical solutions based on what is familiar rather than what may be theoretically sound but practicably difficult inasmuch as few "models" exist to emulate.

To illustrate, Cohen's⁷⁸ theory of delinquent subcultures states that much of the delinquent behavior serves as a kind of solution to problems of adjustment which stem from the press of middle class values on youths who are suffering from status deprivation. The theory appears to go untested inasmuch as there is no delinquency prevention models that bring representatives from the middle-class together with delinquents in conscious ways so as to modify the arrangement. Another illustration stems from the notion of the generation gap and the degree to which delinquent responses may represent efforts to break with the prolonged childhood status.⁷⁹ Few programs have been developed to bring adults other than parents together with adolescents to deal with intergenerational struggles more constructively. Then again, absent in most all of the approaches is any attention to the subjective experiences of the delinquents, themselves. A reading of the programs seems to treat the delinquent as a passive object subject to manipulation and change. This, in itself, tells a lot about the ways our program continues to overlook fundamental realities and truths regarding the importance of interpersonal relationships in the solution of social problems.

The problem regarding definitions, labeling and treatment have not been dealt with effectively in the research reported. It is to be noted that generally where rigorous research methods have been employed, as in the experimental research designs, "verifiable" data produced discouraging results. Studies repeatedly demonstrated time and again that there "were no statistical differences" between experimental or control groups, or that no differences were found in the amount of severity of the offenses between those who received the treatment and those who did not.

On the other hand, in many of the programs where such research controls were not imposed, the findings were generally more encouraging. When left to the judgements of the staffs, the program, planners, estimates of success such as exemplified in assessments such as "significant improvements", marked progress in behavior was offered as evidence that the method did, in fact, have an impact on the participants.

Obviously, the determination of success had to rest on some agreed upon indicators either of reduced delinquency, recidivism, better functionings, etc. A range of instruments adopted in the studies discussed undoubtedly were designed to get at these data. And, many of the findings rest on the ratings of success and failures in these terms. But, the role of the various labeling instrumentalities such as police discretion, citizen complaints, predispositions towards visible and non-visible deviant acts, are examples of some of the factors neglected. Differing and changing reactions, varying efforts to enforce or neglect to enforce or otherwise deal with behavior cannot but influence these indicators. To rely on a statistical record in light of these intervening variables case serious doubts on the utility of such indicators. Again, as the more or less mechanical manifestations of delinquency to not only the changes in individuals in questions but also to the identifying agents - schools police, community - who play a role in determining whether a person becomes a delinquency statistic. Of the studies reviewed, a few, if any sought to control for such intervening variables.

In any event, the issue here is what constitutes successful intervention? Is success to be measured in terms of "hard objective" data based on less than perfect indicators or will success in the final analysis have to be determined by how people feel about the problem? What rationale is there for showing that the researchers who rely so heavily on admittedly difficult to substantiate data can be found to be anymore accurate than the workers who are so immersed with the clients? One, of course, may point to the self-serving interest of the workers who claim success. But there is little to suggest, at least from this review, that the researchers are any less identified with demonstrating success or failure, although the methods of research obviously serve to check bias. Surely, massive intervention programs cannot be based simply on clinical judgements anymore than they can be based on the findings of researchers who have limited access to controlling intervening variables. The measures of success to be employed must remain an important item on the agenda for legislative consideration.

In summary, it has been stated that at least four major problem areas or issues seem to play a part in determining direction for future development.

These concerns were evidenced in 1.) the need for more accurate problem identification, 2.) the need for more careful attention to the role played by social control agencies in labeling delinquent behavior, 3.) the need for re-examination of concepts of intervention and 4.) the need to balance and weigh the relative contribution of practitioners and researchers in the determination of appropriate directions for future police development.

These will be considered further in relation to legislative concerns and directions.

B. Re-formulating the Delinquency Problem

What are the implications of changing definitions in legislation. In the first place, there may be a definite role in legislation regarding social policies as to what should constitute delinquency. One direction may be to marshal evidence to show that many of the behaviors now labeled as "delinquent" may be "normalized" through redefinition. The most obvious example would be seen in efforts to eliminate juvenile status crimes from the jurisdiction of the jurisdiction of the juvenile courts.

There is considerable evidence which shows how status offenses occupy much attention of the juvenile justice system. It was reported,⁸⁰ for example, that one out of every four children - 20 percent of the boys and 15 percent of the girls - appearing before the juvenile court were there for the so-called status crimes of ungovernability, incorrigibility, truancy, running-away offenses which are "crimes" not for adults but only for children.⁸¹ A national census of the almost 60,000 youths incarcerated in the 722 institutions throughout the country in 1973 revealed that one out of every four boys and three out of every four girls were detained because of status offenses.⁸²

Social data may be used to influence legislation in this issue as many kinds of inquiries may be pursued. One can examine the stigmatizing effects of being labeled deviant relative to the "social" harm of the acts. One might note how ungovernable and incorrigible behavior is by definition an interactional phenomenon where the target for intervention would more properly require attention to the social unit such as family or parent-child, teacher-pupil diads. Another area which could be examined would note the significance of adolescent "acting out" behavior which may, in fact, be a sign of health rather than disturbance in that the developmental task of adolescence can be interpreted as a period when normal outbursts occur which functionally prepare adolescents for adulthood. One can point to the nature of the social system which reluctantly opens positions, statuses and roles for adolescents. Strategies may be developed to modify the social system to more effectively accommodate the needs of potential adults rather than focus on revising the needs of potential delinquents. And finally, such an inquiry could point out the need for new interpretations of the role of social control agencies. Should the juvenile court be a social agency treating psychosocial needs or can its role be narrowed to treating youths whose behavior was clearly criminal? If police do not intervene into the family, what other facilities such as school, public social agencies, private agencies can play a role in re-defining and serving the truant, runaways?

The role of the social scientist in directing legislative attention may prove to be controversial. Consider, for example, the testimony and congressional discussions surrounding two legislation proposals: Senator Mondale's attempts to create a stronger alliance between social scientists and policy makers through the creation of a Council of Social Advisors which would act as a counterpart of the Council of Economic Advisors; and Senator Harris' proposal for the creation of the National Foundation for the Social Sciences to utilize social science knowledge in dealing with highly visible and social problems, to offer solutions, and to mobilize funds, manpower and facilities for their solution.⁸⁴

As Senator Mondale⁸⁴ pointed out, there is a certain historical mistrust on the part of many lawmakers regarding social sciences. The attitude is partly because of unfamiliarity, poor communication or perhaps, because lawmakers like to think of themselves as successful practitioners of applied social science as witnessed in their ability to get elected to office. Many see behavioral science study as a trend toward the society of Orwell's 1984 and are wary of invasions of privacy in social research, and fearful that data banks will be abused and render the individual vulnerable.

But, he also indicated that if the social sciences had not been developed the necessary sophistication to fully participate in determining social policy, then they "must - and very soon". for government at all levels is going to seek advice and value judgements which is a responsibility which may be forced on the social sciences. The council of Social Advisors, argued Mondale, would facilitate the transformation of social scientists into activists, from observers to participants.⁸⁵

Similarly, in urging the creation of a National Foundation for the Social Sciences, Senator Harris pointed out the need to enhance the status of social science by legislative mandate and to acquire Congressional support to "Conduct innovative and sometimes controversial research."⁸⁵ As he states:

Social scientists should help to design as well as evaluate programs and to sell them to the people, Overall, there is a continuum from knowledge to power with active roles for social scientists to play along this entire spectrum. But if we are to get the political consensus necessary for real change, the people also must gain that knowledge and exercise some power.⁸⁷

As a matter of practical politics, the passage of legislation requires a constituency, inasmuch as most laws grow out of a need that has immediacy and relevance for a sizeable portion of the population. Most proposed legislation has some kind of constituency urging passage. To return to our example, any social science support of legislation to eliminate status offenses from the statutes is likely to be interpreted as a threat to the traditional authority of the parents who are traditionally backed by the law in their efforts to control their offspring. Revising the arrangements may raise outcries although it is not altogether clear that some modification is parent-child relationships power relationships would not be acceptable.

For example, in a study of community reactions to parental authority done by Cohen, Robson, and Bates,⁸⁸ it was found that the majority in the community

would favor greater legal restrictions on parental authority over the child than the law presently required. The community would have the law grant more legally enforceable claims to pre-adolescent children than it now permitted. Whereas the law by and large, does not distinguish between the preadolescent and adolescent in granting autonomy, the community did recognize a need to have the law accord increasing degrees of autonomy recognized in terms of increased responsibilities as well as rights at the age of adolescence.

C. Assessing Delinquency Prevention Programs

In addition to the use of behavioral science knowledge in assessing human behavior and social institutions and in re-defining the problems of delinquency, it seems likely that social science data would still be sought to assess delinquency prevention programs and give guidance to legislation. Given the limited nature of existing knowledge in this area, what would be an appropriate role?

Certainly, the need for more and better research would be high on the agenda. Few proposals would be supported unless attention would also be given to including some "research evaluation" component.⁸⁹ Moreover, it would be urged that every effort be made to clarify objectives, procedures, explicate methods of intervention, provide adequate and accurate reporting, etc. But in addition to these efforts, there will have to be assessment and interpretation of program proposals where social science data are simply non-existent or unavailable.

One way to approach the problem would be to make certain that knowledge from a variety of sources be used. A paradigm might blend theory, research and experiential knowledge to be applied on a case by case basis. In other words, it would seem that not proposal however conceived can be established on a sound basis without paying attention to 1) theory - the theoretical and conceptual framework underlying the proposal; 2) research - the way it takes into account and builds on previous research; and 3) practice - how it draws from or reacts to previous practice knowledge and experience. Similarly, it would appear that legislators would be more receptive to arguments which take all three factors into account. Decisions would be influenced by program "concept" (theory) and the possible reactions of the public degree of "Scientific proof" (research) and demonstrated usefulness (practice).

The paradigm, of course, is not new although it has perhaps not been consciously applied in all cases. A few widely divergent proposals will be briefly discussed to illustrate how it might be useful in providing a framework for assessing delinquency prevention potential.

Consider a recent proposal for a preventative experiment by Cortez and Gatti,⁹⁰ Based on assessment of delinquency studies and especially the findings on the role of the family in creating delinquency, they propose that pilot projects be set up in different cities where there is the greatest delinquency problem. All families with children under 7 years would be included in the

screening process where Glueck's Special Prediction Scale would be used to identify and predict the potentially delinquent families, not necessarily potentially delinquent children. The thrust of the service would be provided by social workers and psychologists in conjunction with government programs to "develop techniques to tactfully and helpfully inform and train the parents in the necessary modifications of their child-rearing practices and in their relationship with each other. The proposal seeks to strengthen family life relationships, attitudes and behavior not only in the home but in educational centers and clinics attached to school systems and communities, as well. The authors state, "The reader will agree that from every point it is more humane and sound to predict potential delinquency and concentrate our efforts on preventing it rather than wait for a period of years without using preventive measures in order to determine whether or not our predictions were valid."

The proposal may be compared to another by Hutschnecker⁹¹ a number of years ago which received national attention when it was suggested that mass psychological tests be given to detect children who are apt to become anti-social and that special camps be set up to retrain them. Whereas Hutschnecker relies on psychological tests, Cortez and Gatti prefer testing physical somatotypes to "reveal delinquency potential."⁹²

Certainly, such proposals if backed by the force of law would raise some serious constitutional issues especially if such tests are used as a basis for removing a child from his home or as a basis for differential treatment. Although Cortez and Gatti's proposal is limited to working with parents who are receptive and cooperative, one can never be certain that hidden social influences would not subject some families to unwelcomed intrusion on basic liberties, family life styles, etc.

But, perhaps the more difficult problem aside from the legal question is evidenced in the impression given that we do have the knowledge and techniques to effectively help these families. What evidence is there to support such a contention? Cortez and Gatti rely on what they see to be the success of Healy and Bronner, the St. Paul Family Centered Unit, Tefferteller's material on revitalizing parent-child relationships, among other studies.⁹³ They argue that the preferred treatment should seek to strengthen the role of the father, improve discipline and supervision, provide love and support in the home and create cohesiveness and togetherness in the "good family life." The proposal seems to overlook the anticipated negative effects of labeling, potential abuses in the intrusion of the rights of individuals, "guilt by association" when a child's test score becomes a family's problem and the potential neglect of families not desiring help who perhaps maybe more a cause for concern than those families who "are willing."

In terms of our paradigm, such proposals may conceptually fit some of the public impressions regarding the role of the family in the creation of juvenile delinquency, and may have some theoretical support. But the research evidence, other than the claimed successes of the prediction instruments such as the Glueck scale⁹⁴, lacks experimental data to support the intervention method. Although there is some practice knowledge in the studies cited, one would hardly feel confident that there is an adequate treatment that could be applied without considerable refinement.

In another less ambitious suggestion, Wolfgang⁹⁵ and his associates provide data based on a birth cohort analysis of 9,945 boys living in Philadelphia from the 10th through 18th years of age. Information was gathered from schools, selective service lists, police and other records. It was found that some thirty-five percent of the boys in the study had been involved with the police at least once. Race and socio-economic status (based on income) were the most significant factors discriminating delinquent from non-delinquent groups. Although there was a greater likelihood that other offenses would follow after a first offense, knowing the nature of the first offense offered little predictive power concerning the character of future offenses. The probability of delinquency increased with age up to sixteen. Non-whites tend to be less "remidied" by police intervention but in general the effect of intervention on the cohort was unclear. The authors conclude that it would perhaps be wasteful to intervene prior to the third offense inasmuch as 46 percent of the delinquent acts are not repeated. The target for change in this view would be the individual youth who comprises the largest proportion of chronic offenders. It was found that the chronic offender which comprised 18 percent of the total group of offenders was responsible for over half of the offenses. As the author states, "Because forty-six percent of delinquency stops after the first offense, a majority of expensive treatment programs at this early point would be wasteful." They suggest that intervention be held in abeyance until after the commission of the third offense for an additional 30 percent of the second offenders desist from then on ⁹⁵

At least two problems may be raised. In the first place, little is said about how to go about treating the third time offenders. Presumably we are forced to rely on our out-moded unsuccessful approaches. Secondly, there is in such a recommendation the implicit belief that the public would accept as rational a plan which would allow about half of the offenses to go unattended on the theory that such offenses would stop of their own accord. Even if the treatment in rehabilitative prevention were effective, the delinquency problem would still continue unless we learn to look at the one or two-time offender quite differently than we now do.

Applying the paradigm, the concept although not likely to raise any constitutional equal protection issues, would conceptually call for a major re-orientation to the delinquency problem. While the research data are convincing, there still are no experimental findings to support any plan of intervention. And finally, practice knowledge seems to be taken for granted insofar as the proposal implies that we know how to work with third-time offenders in a less wasteful manner.

A third illustration of a still different kind of study proposal which could conceivably provide some guidance in delinquency was conducted in a small close-knit Italian-American neighborhood in Cleveland, Ohio.⁹⁷ Based on a study of all boys between the ages of 12 and 18 living in the neighborhood, the study sought to determine the degree of social class heterogeneity within the neighborhood which influenced deviant behavior. Three major variables were identified and found to be highly correlated: individual values and behavior styles, family types and peer group associations. What was usually

taken to be a homogenous social unit was seen to consist of interacting social systems, locating the delinquent within the neighborhood maze of sub-system influences could offer some potential for developing specific preventative approaches. In this regard, one could argue for intervening either in the family, individual or peer group.

With respect to the paradigm, the theoretic or conceptual arguments would, although speculative, not appear to be controversial. Certainly, the average person is receptive to the idea that these are the "important" factors. Although the research showed that the variables were associated there was no demonstrated cause and effect relationship nor was any specific intervention technique tested. Social data would not be available to support the merits of one or another treatment. And finally, it would appear that there is much practice wisdom to support a proposal which seeks to deal with such variables although again, much remains to be verified.

V. POSTSCRIPT

When applying behavioral science materials to influence legislation one often thinks in terms of a simplistic model. I would include a statement of the problem, hopefully a fairly sophisticated study process culminating in a final statement of findings recommending legislative change. Then, as logic would have it, such scientific evidence would hardly be ignored by the law makers who are at their best when passing laws which would have the sanction of scientific authority.

But, the process of enacting legislation is anything but logical for it is more likely to reflect the ebb and flow of a series of conflicts and positions lacking in internal consistency and continually sensitive to the varying pressures and competing interest groups. It may start with litigation in a courtroom where a judge scrutinizes the constitutionality of a statute in regard to a single individual. It may constitute a phase where collective negotiations for compromise is sought without any attempt to change the law. Or there may be campaigns of direct confrontation between proponents and opponents pressing to get a bill passed or killed. Victory of defeat does not necessarily mean that the war is over. Even when a law is passed, the cycle may only begin again with new litigation over other issues.

Moreover, the desired change is anything but insured even when all recommendations may be finally enacted and apparently accepted into law. In this regard one may make a distinction between the instrumental and symbolic functions of the law.

Governmental acts commit all of us to the public norms of morality. When these laws are enforced and, in fact, control our behavior, then they may be said to be truly instrumental. But some laws have only symbolic value in that they command public affirmation but relatively little compliance and are seldom enforced. There are, for example, "patterned evasions of norms" which are more or less sanctioned ways of evading laws without being punished such as is found in gambling, prostitution, public drunkenness. Such activities in a functional sense act as safety valves minimizing conflicts between cultures.

The law symbolically proclaims public morality on the one hand although the behavior is permitted to persist on the other. This may not incidentally be altogether bad for in this process other institutional forces are often mobilized to contribute to this public affirmation of morality.

One must be prepared to acknowledge these differential functions of the law. For example, is the passage of a fair housing law condemning racial discrimination in housing and employment which might provide significant symbolic functions likely to satisfy or frustrate its backers if enforcement is left to an agency which has no power to enforce the law against offending landlords and employers? Or should the Supreme Court decision in Brown vs. Board of Education be accepted as a victory when it can only be interpreted as symbolic in nature? Indeed, the significance of how the law itself functions should become part of the problem to be examined and assessed.

When the subject matter for legislation is deviance the problem is even more complicated, for the public definition of deviant behavior is itself changeable. It is open to reversals of political power, to twists of public opinion and to the influence of social movements and moral crusades. For what it attached as criminal today maybe seen as sick next year and fought over as possibly a legitimate rate by the next generation. And indeed, the lifting of deviant activity to the level of a political public issue can very well be a sign that its moral status is at stake and that legitimacy is a strong possibility. But when community values and attitudes differ strongly social evidence for change is likely to be viewed with suspicion and labeled as anything but scientific.

We would like to think also that somehow problems will be solved where social science recommendations are enacted into law. But, just as it is true in practice that one senses that activities may bring about desirable results they may also bring about unanticipated and sometimes not so desirable consequences for "clients" or for other parts of the system. This implies an obligation to think through with the law-makers all alternatives carefully noting possible consequences. This process is particularly frustrating when one recognizes that our contributions are not very likely to be accepted unaltered into the decision-making process in any event.

These, of course, are just a few of the considerations. Perhaps as we get more experiences in doing more influencing, the day will come when we can do best in relating our knowledge and skills to the legislative process.

1. See "Law and Social Science: What are the Relationships" in Lawrence M. Friedman and Stewart Macaulay (eds.) Law and the Behavioral Sciences (New York: The Bobbs-Merrill Company, Inc., 1969) pp. 1-33.
2. Edward Hall, The Silent Language (New York: Fawcett World Library, 1959) p. 39.
3. This framework has been used by a number of authors. See especially Helen L. Witmer and Edith Tufts, The Effectiveness of Delinquency Prevention Programs (Washington, D.C.: U.S. Government Printing Office).
4. Southside Community Committee, Bright Shadows in Bronzewood (Chicago: The Southside Community Committee, 1949). For a complete account of the Area Project see, Solomon Kobrin, "The Chicago Area Project - A 25 Year Assessment," 322 The Annals of the American Academy of Political and Social Science 19 (1959); Rose Giallombardo, "The Chicago Area Project" in Juvenile Delinquency: A Book of Readings (New York: John Wiley & Sons, 1966).
5. Southside Community Committee, op. cit., p. 88.
6. Kobrin, op. cit.
7. Walter Miller, "The Impact of a 'Total Community' Delinquency Control Project" in Giallombardo, op. cit., p. 493.
8. Robert C. Trojanowicz, Juvenile Delinquency: Concepts and Control (Englewood Cliffs, N.J.: Prentice-Hall, 1973) p. 197.
9. Gisela Konopka, "South Central Youth Project: A Delinquency Control Program (1955-57) 322 Annals, American Academy of Political and Social Science 30 (1959).
10. Charles Grosser, Helping Youth: A Study of Six Community Organization Programs. U.S. Department of HEW, Office of Juvenile Delinquency and Youth Development (Washington, D.C.: U.S. Government Printing Office,
11. Melvin B. Mogulof, "Designs for Community Action" in William Amos and Charles Wellford (eds.) Delinquency Prevention: Theory and Practice (Englewood Cliffs, N.J.: Prentice-Hall, 1967) p. 225.
12. Grosser, op. cit., p. 21.
13. Trojanowicz, op. cit., p. 204.
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19. Frederic Trasher, "The Boys Club and Juvenile Delinquency" 42 The American Journal of Sociology 66 (1936)
20. Ibid., p.78.
21. Roscoe C. Brown and Don .. Dodson, "The Effectiveness of a Boys Club in Reducing Delinquency" 322 Annals AAPSS, op. cit., p. 47.
22. Ibid., p. 52. During the same period other Boys Club delinquency studies were conducted which revealed similar results. See Witmer and Tufts, op. cit., p. 22.
23. Edwin Powers and Welen Witmer, An Experiment in the Prevention of Delinquency (New York: Columbia University Press, 1951).
24. Ibid.
25. Joan and William McCord, "A Follow-Up Study on the Cambridge-Somerville Youth Study", Annals AAPSS, op. cit., p. 89.
26. Ibid., p. 92.
27. Henry J. Meyer, Edgar F. Borgatt and Wyatt C. Jones, Girls at Vocational High: An Experiment in Social Work Intervention (New York: Russel Sage, 1965).
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Delinquency Problem" 37 The Bulletin (National Association of Secondary School Principals, 1953).

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37. See Sylvan S. Furman (ed.) Reaching the Unreached (New York: New York City Youth Board, 1951).

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39. Edward H. Stalkin, "Chicago's Special School for Social Adjustment" 20 Federal Probation 31 (1956).

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77. Stanton Wheeler, Leonard S. Cottrell, Jr. and Anne Romasco, "Juvenile Delinquency - Its Prevention and Control" (Appendix T) in President's Task Force Report: Juvenile Delinquency and Youth Crime, op.cit. p. 418.

78. Albert K. Cohen, Delinquent Boys: The Culture of the Gang (Glencoe, Illinois: The Free Press, 1955).

79. See, for example, Herbert A. Bloch and Arthur Niederhoffer, The Gangs, A Study in Adolescent Behavior (New York: Philosophical Library, 1958).

80. Children's Bureau, Department of Health, Education and Welfare, Juvenile Court Statistics - 1964 (Washington, D.C.: U.S. Government Printing Office, 1965).

81. All jurisdiction allow the courts to intervene to deal with childhood behavior which would not be illegal for adults. For a comparative of delinquency statutes state by state see Irene Solet, Report on State Laws Concerning Detention of Children, Yale Legislative Services (September 1973). Twenty six states have special categories for juveniles variously labeled as a person in need of supervision (PINS) minors in need of supervision (MINS) where there is a special attempt to provide differential treatment to status offenders although in practice there is little difference in the treatment afforded them. See Paul Lerman "Delinquents without Crimes: The American Approach to Juvenile Status Offenses" in Norman K. Denzin, ed. Children and Their Caretakers (New Brunswick, N.J.: Transaction Books, E.P. Dutton and Co., 1973).

82. Reported in Law Enforcement Agency Administration Newsletter III (August, 1973) p. 5.

83. Walter F. Mondale, "Report on the Social State of the Union" and Fred Harris, "Building a New Social Strategy" in Fred R. Harris, ed., Social Science and National Policy (New Brunswick, N.J.: Transaction Books, 1973).

84. Mondale, op. cit., p. 216.

85. Ibid., p. 215. It is interesting to see the arguments against the legislative provision of a greater role for the social sciences. For example, the Journal of the American Medical Association voiced the complaint, "The social sciences are themselves so young and their techniques at present so experimental and poorly controlled as to indicate some doubt as to whether or not their development has proceeded sufficiently to warrant incorporation in the proposed agency." That argument was made against the inclusion of the social sciences in the National Science Foundation.

86. Harris, op. cit., p. 15.

87. Ibid., p. 17.

88. Julius Cohen, Reginald Robson and Alan Bates, "Parental Authority, The Community and the Law" in Rita James Simon, ed., The Sociology of Law: Interdisciplinary Readings (Scranton, Pa.: Chandler Publishing Co., 1966). The researchers offer three major reasons for the differences between the community and the law's conception: the differences in the impact of tradition upon law makers and upon the community; the relative lack of pressures exerted upon law makers to signal the need for change; and the inadequacy of prevailing techniques by law makers for ascertaining the moral sense of the community.", pp. 633-4.

89. Such considerations are currently spelled out in detail in Law Enforcement Assistance Administration (LEAA) programs. See Jerris Leonard and Thomas Madden, "Federal Anticrime Funds for Juvenile Prevention" in National Advisory Commission on Criminal Justice Standards and Goals, Community Crime Prevention (Washington, D.C.: U.S. Government Printing Office, 1963) p. 297 ff.

90. James B. Cortes and Florence M. Gatti, Delinquency and Crime: A Biopsychosocial Approach (New York: Seminar Press, 1972).

91. Ibid., p. 298 ff.

92. The authors note that somatotyping might reveal not only delinquency potential but also "entrepreneurialship" potential. They suggest that more attention and greater amount of training be given to those children who are mesomorphic and potentially aggressive, p. 299.

93. Ibid., p. 291 ff.

94. There seems to be much support for adopting the Glueck Tables for identifying delinquents. See Sheldon and Eleanor Blueck, ed. Identification of Predelinquents: Validation Studies and Some Suggested Uses of Glueck Tables (New York: Intercontinental Medical Book Corp., 1972). For criticism see Travis Hirschi and Hanan C. Selvin, Delinquency Research An Appraisal of Analytic Methods (New York: The Free Press 1967) pp. 237 ff.

95. Marvin E. Wolfgang, Robert M. Figlio and Thorston Sellin, Delinquency in a Birth Cohort (Chicago, Ill.: The University of Chicago Press, 1972). It should be noted that this work was not meant to provide a delinquency prevention proposal as such.

96. Ibid., p. 254.

97. Albert S. Alissi, "Delinquent Subcultures in Neighborhood Settings: A Social System Perspective," Journal of Research in Crime and Delinquency (January, 1970).